

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Terrell Devon Hinnant

Docket No. 5:11-CR-197-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Terrell Devon Hinnant, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 13, 2012, to the custody of the Bureau of Prisons for a term of 40 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court.

Terrell Devon Hinnant was released from custody on May 22, 2014, at which time the term of supervised release commenced. On July 8, 2013, a Petition for Action was submitted advising that the defendant tested positive for marijuana on July 7, 2014, and as a sanction, the court added the following condition:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On September 30, 2014, a Violation Report was submitted advising that the defendant was charged in Wilson County, Wilson, North Carolina, with Misdemeanor Assault on a Female and Misdemeanor Larceny (14CR53652). Hinnant denied guilt, and the court agreed to continue supervision pending the adjudication of this new charge, which remains pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 17, 2014, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on November 22, 2014. Hinnant admitted to using marijuana on November 9, 2014, and he signed an admission of drug use form.

On November 18, 2014, the defendant was charged in Wilson County, Wilson, North Carolina, with Misdemeanor Assault by Pointing a Gun, Harassing Phone Call, and Injury to Personal Property (14CR54407). According to the Warrant for Arrest, Hinnant pointed a handgun at Victoria Brockington without legal justification, called her for the purpose of harassing her, and slashed two tires on her vehicle. Hinnant posted a \$5,000 secured bond and was ordered not to contact the prosecuting witness. The defendant denies guilt, and these charges remain pending. The probation officer talked with the complainant, Ms. Brockington, who advised that Hinnant was harassing her; however, she failed to meet with the probation officer to sign a statement as she stated that she was too busy.

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It is the recommendation of the probation officer to continue supervision pending the adjudication of this new charge, but as a sanction for his drug use, we are requesting that he serve 5 days in jail. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for 5 consecutive days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: November 26, 2014

ORDER OF COURT

Considered and ordered this 1 day of December, 2014, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge